

Klamath Fishery Management Council

Working to Restore Anadromous Fish in the Klamath River Basin

P.O. Box 1006. Yreka, California 96097

June 26, 1989

California Commercial Salmon
Fishing Industry

California Department of
Fish and Game

California Offshore Sport Fishery

Hoopa Valley Business Council

Klamath In-River Sport Fishery

National Marine Fisheries Service

Non-Hoopa Indian Representative

Oregon Commercial Salmon
Fishing Industry

Oregon Department of
Wildlife

Klamath Fishery Management
Council

U.S. Department of the Interior

Memorandum

TO: Klamath Fishery Management Council

FROM: Ron Iverson

SUBJECT: Draft minutes of the Management Council meeting held 7-8 June 1989

Attached for your review are minutes of the subject meeting held in Eureka, California. Together with several handouts provided at the meeting. We also include, as Attachment 13, some information provided by Bob Hayden at the Council meeting of April 6 which didn't get included with notes on that meeting.

Attachments

Klamath River Fisheries Management Council

June 7, 1989

Attendance: All members were in attendance with the following exceptions:

Ron Iverson attended for Lisle Reed
Bill Yeates for Nat Bingham

Fullerton: Welcome to the Council Meeting. Meeting will break at Noon tomorrow.

*Procedural Problem - Executive Session

Fullerton - Approval of agenda - any corrections or additions.

*Approved meeting agenda

Fullerton - minutes approval

Hayden - table of catches should be here (Attachment 13).

Iverson - They will be included in next minutes.

*Minutes approved.

Spring Fishery Discussion

Masten - read statement (Attachment 6)

Martin - what changes were made

Masten - The 10,000 target. This has been changed to quota.

- The other concerns were steelhead and sturgeon. We addressed that by the timeframe of the fishery.

- The daily monitoring of the fishery will provide information on impacts.

Wilkinson - position statement. (Attachment 7)

Masten - This statement brings up specific fisheries business. We did not want the Council or user groups to get into the specifics of other users fisheries, is this the intention here.

Wilkinson - Concern is that we should include methods how it is conducted so they can be reviewed .

General discussion over Hauser, legislation, allocation questions, formation of new fisheries and spring chinook harvest plan. Possible conflicts between recreational fishery and Indian gill net fishery.

Fullerton - Lets hear from BIA about the plan.

Overburg - We were led to believe that review of the plan was not necessary. We apologize for this, we also took into consideration the State comments. We held off till this group could review it. We have concerns about the fishery getting off the ground so it can be a beneficial fishery.

Robinson - The changes we have made are 1) target to quota of 10,000 fish, 2) sale of fish will be 26 inches, 3) delayed the start of the fishery till the 13th of June.

The overall target harvest also changed because of the Hoopa fishery not occurring in 1989. This reduces anticipated overall harvest from 17,000 to 12,000 fish.

Martin - Run timing of the Klamath and Rogue River are similar, should provide window for natural stocks of springs.

Wilkinson - What about CWT recovery info how real time.

Tuss - Within one week.

Larson - level of monitoring will be same as fall fishery.

Hayden - what monitoring is done?

Robinson - boat counts, bio sampling, and fishermen interviews.

General discussion on spring chinook harvest plan.

Fullerton - any public testimony.

Public Testimony on Spring Run Fishery

Paula Yoon - Should have a review of all fisheries.

Leonard Masten - if the fishery goes forward will reduce conflict between the indians and sports by cutting the days fished from six to five day/week.

Mitch Farrow - Council is sidestepping the allocation issue. Should have a chinook allocation for both spring and fall.

Merky Oliver - there is no conflict between sport and Indian

Harvey Mahatch - main run has gone by, what are we doing.

Wilkinson - does the drift net fishery occur during the fall.

Robinson - no, we have no intention of expanding drifting to the fall.

Wilkinson - how is the net size different than the fall fishery

Masten - the drift net depth is to keep nets from dragging on the bottom. Net length is larger to help the fishery.

Break - 2:30

Fullerton - Council reconvened - does any council members want statements made.

Naylor - does Hoopa have any questions, what about Hoopa damn fishery.

Marshall - the tribe will hold an election within 30 days to decide on fishery. So we will not plan fishery for 1989.

Naylor - Law enforcement concerns with BIA

Overburg - level of enforcement will be the same for fall fishery, request the council to set up process to keep this awkward situation from happening again.

Fullerton - we have neglected spring chinook impacts before, now we are going to have to deal with allocation for this stock.

Wilkinson - concerned about the impacts on natural stocks.

Hayden - need to develop overall policy on all anadromous stocks.

Other concern is on steelhead impacts.

Bostwick - has the state taken back the recommended 10,000 basin-wide gill net fishery

Naylor - (Odemar) - the state is okay with the amended harvest.

Yeates - is the subsistence number a quota.

Masten - No

Yeates - what is the subsistence allocation

Masten - there is none

Marshall - Why is the concern over all the monitoring and numbers. How come we are getting hammered on this fishery. We were asked to fish on these fish by you.

Fullerton - This council did not ask you to fish on these.

Masten - We need to refocus on the positive aspects of this fishery.

Martin - we need to look at all the stocks, we want to look at the big picture.

Yeates - wants to reiterate that I am concerned about a new fishery, we are asking questions because this subject is important. I am trying to get the positive points of this fishery to take back to the constituents.

Fullerton - the council should make a recommendation to BIA. What is the Council's wish.

Hayden - we should defer this till after tomorrow's long term plan.

Fullerton - we can not defer this matter.

Martin - We should not defer, we should recommend the plan.

Naylor - Seconded

Hayden - we are concerned about the monitoring

Fullerton - we will demand information on incidental catch of other species.

Warrens - called the question.

Vote unanimous in favor of plan.

Tech Team Report

Boley: handout of catches (Attachment 10).

Spring Rogue fishery - 5,000 catch after 2 days.

The 2500 remaining quota has been put into June zone fishery.

Coho catches are low south of Eureka

Catches of 100-200/boat in Brookings

These catches are down from the model catches, for the month of May.

Fullerton - any questions.

Wilkinson - The catches in Coos Bay is caused by effort shift into the port of Coos Bay which is up 22% from last year.

Martin - All these low catches have flooded me with questions on how to modify the season to allow the ocean to catch its share. It is too early to tell what all these harvest means. We can look at CPUE, effort shifts, abundance. We also are aware that in the past we have not changed the season when the catches were over the preseason, I don't think we should do it when the catches are low.

Wilkinson - Motion - have the technical team look at expected catches through June 15 and make recommendation to the council for possible midseason changes.

Fullerton - Can the team do that.

Boley - We think we can make model run for May.

Martin - We need to have these things on the table so we can work with the Regional Director, I would like to see what the team can do.

Iverson - How can the team break out the Klamath contribution without the information.

Boley - We probably will have concerns but we will try.

Fullerton - What about the suballocation group: disband or proceed.

Iverson - The group is still formed.

Masten - Concerns on effectiveness of group.

Bostwick - We need information to really talk about the issue, we did not have them.

Yeates - The difficulty is we can't get specific without the information.

Hayden - I think we should continue.

Fullerton - Let's continue the user group meeting.

Martin - I agree, however the Council should pick strategy for allocation. the whole council should be in on this issue not just the user groups. I don't think we should put users into the vise and only have them hung-out-to-dry. We need all of us involved in the plan.

Fullerton - I would like to see a small group come up with a process, I make Virginia chairman of this group. Meet tonight and come back with recommendations tomorrow.

Meeting adjourned until 8:00 am June 8, 1989.

June 8, 1989

Report of Sub-committee on Allocation

Fuller - Report of sub-committee on allocation.

Bostwick - Obtain from Bostwick (Attachment 11)

Hayden - Some discussion of short and long term goals - need to have overall plan before next season.

Martin - We need actual numbers for next season. we can't do that every year so we need the two phases one for 1990 one for beyond.

Fullerton - I thought we would get blue print to just plug in the numbers. We can't get the two mixed up - 1990 and beyond - offer of planner from NMFS. To assist in this process.

Iverson - One small point is where does the process take into account new fisheries and review of harvest plans.

Hayden - Is the discussion about allocations or long term plan.

Fullerton - We need both but can't get both done at same time. need to work on allocation in short term then come back to deal long term plan.

Masten - I think we are talking the same thing.

Fullerton - Don't see long term plan till end of 1990. This is just reality, due to fisheries, number requirements.

Martin - We have two processes - one is fall chinook allocations the other is long term planning process. One way to keep on track is forming a group to plan for the plan. They would write up a description of basin and policy issues that have to be dealt with. We need some work done so the task is not a giant one we are faced with very little time.

Masten - We need to get agencies working on species information.

Marshall - We need a production element for basin.

Fullerton - We need to develop plan to guide the task force.

Naylor - These two groups Task Force and Klamath Fishery Management Council need to work together.

Martin - We need to work on putting production of natural and hatchery stocks into data.

- We need to identify critical habitat for stocks which are on the edge.

Fullerton - There is the restoration plan and then there is the management plan for the fisheries. These two have to work together to get it done.

Iverson - The task force is working on a long term restoration plan.

Martin - The "mesh point" is defining the goal for each stock, what component is hatchery, what is natural and how to harvest them, how to maintain them and their associated habitat.

Fullerton - Fine, we can't wait till restoration is done to define goals we need goals now.

Hayden - H/W differentiation, can we mark all hatchery fish? What are the costs to do that?

Odemar - State spends 44,000/million CWT marked. We are currently marking for two reasons - one to evaluate hatchery practices, one to mark for stock distribution.

Martin - With limited budget we really need to have a plan of how to use the marks. We can't just mark fish to mark fish. We can spend the money on other more productive things.

Yeates - can the work on CWT processing be done quicker.

Odemar - We need all the tags in hand before the full picture is seen. GSI does allow us a quicker picture. We are going to test it this season pending money availability.

Yeates - What have we got from CWT process.

Martin - Distribution, harvest, contribution, survival - evaluate hatchery practice.

Fullerton - The hatchery practices change so the state of the art is constantly changing.

Hayden - I would like to come back to marking all hatchery fish.

Discussion on marking proposal, selective fisheries

Fullerton - any more discussion on this ...

Fullerton - We will put workshop on long range plan together and I will direct my planner to work on process, and put together agenda.

Yeates - Should have group see the agenda before the meeting.

Ron - Due to the closed session of the workshop, please ask the solicitors now for what can be discussed so we know what is allowed.

Masten - This is not a discussion process just brainstorming.

Fullerton - I agree.

Ron - The perception is that the decision will be made there and then the public session is proforma.

Fullerton - I think that's a valid concern we'll take care of it.

Masten - I want an overview of each fishery given.

Fuller - Report of Tech Team

Boley - Meet for 5 hours. to discuss Keith in season adjustment proposal. We discussed why catches were down in Fort Bragg. compared to preseason. (Attachment 12)

Three possible reasons:

- distribution may be different than base years.
- errors in block closure analysis they could be caused by effort shifts, weather differences.
- Stock abundances could be different.
- CPUE at Fort Bragg for May indicates lower stock size than preseason.

Also

indications that CVI could be over predicted.

Recommendations of Team

- If landing pattern continues in June we recommend STT re-evaluate effects of block closures.
- Evaluate whether July block closure is necessary to maintain harvest target.
- With consensus from this council on a preseason plan, this team could make preseason recommendations and set up criteria for council to use in mid-season adjustments.

One additional point:

- The stock abundance based on CPUE shows about 50% of the preseason prediction. We ran the model with the Klamath and Sacramento at 50% of the preseason abundance with the in-river harvest set at the preseason level. We showed the escapement would be barely above the floor for natural stocks.

Discussion on in season management shifts

Wilkinson - We should pass along this concern to the STT and PFMC.

Fullerton - What is councils pleasure do we adopt the Teams report.

Martin - So moved, seconded.

Discussion on report and need for letter from council to PFMC and STT

Motion passed to adopt report and send to PFMC and STT.

Ron Iverson instructed to send report.

Boley - Next meeting in September and another in October.

- Agenda is to talk about alpha value and partitioning data base.

Other new business:

Coon - There are proposals for framework plan amendments. These will be looked at in July. Between July and September we need them fleshed out for September meeting. This council needs to input during that July - September time frame. September meeting forwards proposed amendments for public review - proposals voted on in November.

Odemar - PFMC should send proposals to this council.

Discussion on O-Y decision proposal

Fullerton - Any public comments.

Public comments:

Paula Yoon - Represents BIA and Yurok spring fishery. - zone fishery is in sad shape, lack of subsistence fishery in the ocean - possible red-line green-line in the river.

- Concern about where money is being spent with the restoration programs.

Nancy Savage - concern over how season's have affected fishermen's family.

Howard Teague - Comments on allocation process. Concerns over safety factors, socio-economic factors.

Jim Johnson - Thank the council for working today.

Dick Miller - Echoes Howard Teague.

Mitch Farrow - Several issues, concern over the spring chinook commercial fishery. Concern over the name of test fishery. Concern about reallocation of fisheries.

Mel Brooks - Thanks the council for test fishery.

- Comments on equitable allocation for zone.
- Several comments concerning the effect on the ocean trollers and their families.

Fullerton - Any further business.

Masten - Looking forward to workshop and working together.

Fullerton - The workshop dates will be held open till I can canvas you on dates.

Meeting adjourned

ATTACHMENT 1

KLAMATH FISHERY MANAGEMENT COUNCIL

Attendance Roster, June 7-8, 1989 meeting, Eureka, California.

Management Council Members

Bill Yeates*	California Commercial salmon fishing industry
Virginia Bostwick	In-river sport fishing community
E.C. Fullerton	National Marine Fisheries Service
Robert Hayden	Offshore recreational fishing industry
Lyle Marshall	Hoopla Indian Tribe
James Martin	Oregon Department of Fish and Wildlife
Susan Masten	Non-Hoopla Indians residing in Klamath area
E.A. "Spike" Naylor	California Department of Fish and Game
Ron Iverson*	Department of Interior
Frank Warrens	Pacific Fishery Management Council
Keith Wilkinson	Oregon commercial salmon fishing industry

*Lisle Reed and Nat Bingham were absent. Bill Yeates attended for Nat Bingham and Ron Iverson for Lisle Reed.

Others Attending

Chuck Lane	Mike Maahs
Richard O. Miller	Howard Teague
Sam L. Jones, Jr.	Bruce Taylor
Stephen Tims	Gary Dowd
Dennis L. Lindley	Mr. & Mrs. Reece
Ronnie Pierce	Leonard Masten
Norman McLemore	Jim Johnson
Ron Eden	Karole Overberg
Rodney Vigil	Dave O'Neill
W. Psie	Rich Haberman
Sherry Thompson	Bryce Kenny
Bea Nix	Janet Butrich
Brenda Green	Dan Ferris
Mike Morford	Noreen Jones
Becky James	Buddy Bear
Gary Haberman	Rich McCovey
Mugie McCovey	Jack Alderson
Bonna Meryer	Molly Ruud
Paula Yoon	Lavina Bowers
Honey Mahack	Phil Kurepley
Dawn McClaskey	Evelyn Natt
G. Forman	Dennis R. Scott
Gene Schnell	Mike Orcutt
George Bunvich	N. Savage
Mitch Farrow	Archie Thompson

ATTACHMENT 2

KLAMATH FISHERY MANAGEMENT COUNCIL

MEETING AGENDA

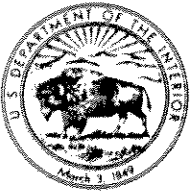
7 June 1989

- 1 p.m. Call to order
- 1:10 Correction and approval of agenda, and of minutes of meeting of 7 April 1989
- 1:30 Report of the Bureau of Indian Affairs on a proposed net fishery for spring chinook salmon on the Klamath River estuary
- 2:30 Break
- 2:45 Report of the Technical Advisory Team (Boley) on status of 1989 fisheries
- 3:45 Report of the Harvest Allocation Subcommittee: Recommendations on what to do next to achieve long-term agreement on harvest allocation
- 4:30 Council discussion and action on harvest allocation
- 5:00 Adjourn

8 June 1989

- 8 a.m. Convene. Other old business
- 8:30 Development of comprehensive long-term plan and policy for management of in-river and ocean harvesting, per 16 U.S.C. 460ss-2(b)(1).
- 9:30 Break
- 9:45 Plan and policy development (continued)
- 11:00 Other new business
- 11:15 Public comment
- 11:45 Discussion of next meeting
- 12 noon Adjourn

MAY 30 1989 IN REPLY REFER TO:



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
NORTHERN CALIFORNIA AGENCY
P. O. BOX 494879
REDDING, CALIFORNIA 96049-4879

MAY 26 1989

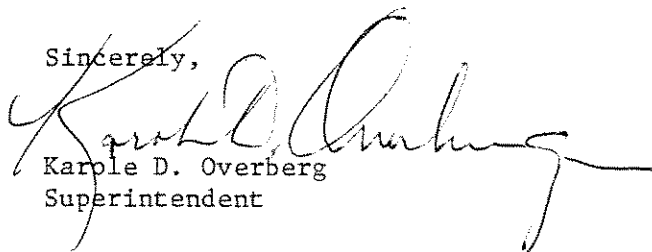
Ron Iverson, Project Leader
Klamath Field Office
1312 Fairlane Road
Yreka, California 96097

Dear Dr. Iverson:

Attached is our final Plan for a Test Fishery for Commercial
Harvest of Spring Chinook Salmon on the Klamath River Portion
of the Yurok Indian Reservation, California 1989.

Please provide a copy to members of the Klamath Fishery
Management Council for their information and use.

Sincerely,


Karle D. Overberg
Superintendent

PLAN FOR A TEST FISHERY FOR COMMERCIAL HARVEST OF SPRING CHINOOK
SALMON ON THE KLAMATH RIVER PORTION OF THE YUOK INDIAN
RESERVATION, CALIFORNIA 1989

I. INTRODUCTION

The Bureau of Indian Affairs (BIA) will conduct a test fishery for spring chinook salmon during June and July of 1989 to determine the feasibility of commercial harvest and sale of that species. The fishery will be conducted in the estuary portion of the Klamath River within the boundaries of the Yurok Indian Reservation with a quota of 10,000 spring chinook salmon established as an upper limit. Only fish over 26 inches total length will be offered for sale.

This action is in agreement with and follows the established procedures in the Final Environmental Impact Statement Indian Fishing Regulations Hoopa Valley Indian Reservation/California July 1987 (INT F.E.S. 87-29). That document adopted Alternative C as the plan of management for Indian fishing in the Klamath River Basin. Alternative C allows phased commercial fishing and, under that alternative, no commercial fishing will be permitted on any species until a specific harvest management plan has been prepared for that particular fishery which will assure an adequate number of fish for Indian subsistence and ceremonial harvest and for spawning, after taking into account any anticipated in-river harvest by persons not subject to federal regulations.

The fishery will be managed under terms and conditions established by this plan and will be regulated through a series of pre-season and/or in-season amendments to 25 CFR Part 250 of the existing regulations governing Indian fishing.

This plan has been prepared by qualified fishery biologists from the U.S. Department of the Interior and is on file at the BIA office at 1900 Churn Creek Road, Redding, California 96002.

II. BIOLOGICAL AND TECHNICAL BASIS OF THIS PLAN

Data on the spring chinook stocks of the Klamath River Basin are very sparse and incomplete except for the upper Trinity River sub-basin. The California Department of Fish and Game (CDFG) has operated a weir on the main-stem Trinity River at Junction City, California since 1978 to collect information on returning salmonid stocks. Information from that project and other CDFG studies has supported the generation of run-size estimates, estimates of angler harvest and spawning escapement for the area above the weir site. These estimates are generated post season and do not provide specific information concerning natural spring chinook stocks. Data are also gathered at the Trinity River Hatchery (TRH) to include counts of returning salmon and recovery information on coded wire tag (CWT) returns.

Additional data are obtained by the Hoopa Valley Business Council's Tribal Fishery Department and from the U.S. Fish and Wildlife Service (FWS) on the subsistence gillnet fisheries on the Hoopa and Yurok Reservations.

Information is also available from various State and Federal agencies which describe levels of escapements to tributaries in the upper Klamath River Basin such as the Salmon and Scott Rivers and in the lower Trinity River Basin such as the South Fork Trinity River.

It is commonly held that the vast majority of spring chinook in the Klamath River Basin are of hatchery origin and originate from the TRH above Junction City. For purposes of this plan it is assumed that 90 percent of the spring chinook entering the Klamath River from the ocean are destined for the Trinity River above Junction City.

Other assumptions concerning spring chinook within the Klamath River Basin are:

- (1) That four (4) percent of the run entering the Klamath River from the ocean spawn in the upper Klamath Basin (Salmon River and Wooley Creek).
- (2) That two (2) percent of the run entering the Trinity River spawn in the lower Trinity area below Junction City.

Based on observed harvest patterns, it is evident that an average of 14 percent of the run above Junction City is harvested in the sport fishery in that area. Also based on known harvest patterns of the Indian gillnet subsistence fisheries, it has been shown that those fisheries harvest an average of 2,926 spring chinook annually (1519 for the Hoopa Reservation and 1407 for the Yurok Reservation). The harvest time frame for the Yurok subsistence fishery on spring chinook is from late March through early June in the lower Klamath River (mouth to Weitchpec). Depending on flows and spring weather patterns harvest is concentrated in mid to late April through late May. In the recent past a number of spring chinook (identified through CWT recovery) have been taken in July in the estuary of the Klamath River. These fish been from CWT releases made at TRH.

A major premise in shaping the timing of this test fishery is that, by starting on June 1, most natural stocks of spring chinook would have cleared the estuary and the fishery would target on hatchery stocks from TRH.

Close monitoring of the fishery at the buying station should result in the collection of a significant number of CWT's to either authenticate or refute this premise. For purposes of this plan, those harvest patterns are not expected to change in 1989.

The TRH escapement needs are 3,000 adults annually. This is based on a 1:1.1 female to male sex ratio and average fecundity of 3,000 eggs per female.

The average age composition of adults returning to the TRH is 52 percent three-year-olds and 48 percent four-year-olds. This age composition is based on CWT return data from the 1979-1982 brood years returning to the hatchery.

The BIA is aware of concerns about the possible impacts of this fishery on spring-run steelhead stocks in the Basin. At this time, very little data are available concerning run-timing of those stocks and no definitive information is available about gillnet mesh selectivity for steelhead. In light of the lack of information, it has not been determined to what degree incidental catch of steelhead, sturgeon, shad and natural stocks of spring chinook would be a problem, if indeed, one exists.

However, the BIA is emphatic that monitoring levels of this fishery by the FWS will be adequate to allow the gathering of information to begin to address this concern in the future.

III. ADAPTATION AND USE OF AVAILABLE INFORMATION IN THIS PLAN

Analysis of the information concerning harvest and escapement levels and hatchery returns and releases has been used to develop a 1989 spring chinook run-size forecast for the Klamath River Basin as follows:

The 1989 TRH return was forecast by applying the average 1982-1984 brood return per release ratio to the 1985 and 1986 pounds of hatchery product released. The 1982-1984 brood return per release ratio is used to reflect recent ocean troll restrictions within the Klamath Management Zone and the increase in spring chinook run-size produced by those brood years. Please refer to figure 2.

$$N = (1985 \text{ brood release} \times 0.48) + (1986 \text{ brood release} \times 0.52) \\ \times \text{average 1982-1984 return/release}$$

$$N = 9830$$

The 1989 Trinity River run-size above Junction City was forecast by applying the average 1978-1988 hatchery component ratio to the 1989 TRH forecast as follows:

$$N = (\text{average 1978-1988 hatchery component}) \times \text{TRH return} \\ \text{forecast}$$

$$N = 50055$$

The 1989 Klamath River run-size was forecast by applying the assumption that 90 percent of the Klamath River run of spring chinook in the recent past originates in the Trinity River above Junction City.

N = (Trinity River run-size above Junction City) x 1.10
N = 55,617

The 1989 harvest schedule for spring chinook in the Klamath Basin with the anticipated harvest in the Indian test fishery, resulting run-sizes and spawning escapements is presented in figure 3. Also shown are the assumptions used for forecast run-sizes to the upper Klamath River Basin and the lower Trinity River Basin.

IV. MANAGEMENT OF THE FISHERY

Participation in this fishery will be regulated by the existing 25 CFR Part 250, Section 250.5 WITH THE FOLLOWING EXCEPTION; members who were enrolled on August 8, 1988 in the Hoopa Valley Tribe will NOT be permitted to participate in any fishery on the Yurok Indian Reservation regulated by the BIA.

The test fishery will be conducted in the main-stem of the Klamath River in the area commonly known as the estuary. This is further defined as the Klamath River from its confluence with the Pacific Ocean upstream to the Highway 101 bridge. This fishery will operate from June __, 1989 to July 15, 1989 unless closed by the BIA for harvest management reasons. Fishing will be permitted five (5) days each week during the daylight hours of 9:00 AM to 9:00 PM. Fishing will be prohibited from 9:00 PM each Saturday until 9:00 AM each Tuesday during the period of this fishery. Subsistence fishing days and times will be the same as test fishing days and times while this plan is in effect. Fishing with gillnets in other parts of the Yurok Indian Reservation will not be affected by this plan and will continue to be regulated by 25 CFR Part 250.

Harvest will be accomplished with gillnets and described in 25 CFR Part 250 and specifically regulated through pre-season and in-season adjustment to those regulations. The following major exception to 25 CFR Part 250 will apply during this test fishery. "In the area known as the estuary, which is the main-stem Klamath River below the Highway 101 bridge, drift-net fishing with gillnets up to 200 feet long and 25 feet deep will be permitted two days per week on an experimental basis."

Set-net and drift-net fishing will not be allowed at the same time. Drift-net fishing will be permitted during Tuesdays and Wednesdays with set-net fishing permitted during Thursdays, Fridays and Saturdays.

Special conditions will apply to the preparation and transport of fish prior to sale as well as during the actual sale to an authorized buyer. Those items are presented in Section VI.

V. CONTROL AND MONITORING OF THE FISHERY

Day-to-day control of the fishery will be the responsibility of

the Field Representative of the Klamath Field Office (KFO) of the BIA. Technical assistance and staff support will be provided on a continuing basis by the Fishery Biologist of the Northern California Agency at Redding, California.

Monitoring will be accomplished by technical and professional personnel from the Arcata, California FWS Office under terms of a Memorandum of Agreement with the BIA. Monitoring will be conducted at a level which will provide for "real time" accountability of the fishery as well as for an appropriate level of data collection and retrieval of CWT's. The FWS will report catch and effort statistics to the KFO on a weekly basis for evaluation. Copies will be provided to other management Agencies upon request to the BIA.

Enforcement will be accomplished by qualified law enforcement personnel from KFO of the BIA. The Field Representative of the KFO will be in charge of the BIA law enforcement staff. Warrants, citations and arrests will be prosecuted through the Court of Indian Offenses at Klamath, California.

VI. MARKETING ASPECTS OF THE FISHERY

Because the BIA must act for the Yurok Tribal Government in conducting this fishery, some special actions are necessary to insure control and accountability of all aspects of this fishery which involve the sale of a tribal asset.

A pre-determined landing fee of 20 percent of all individual sales of salmon will be collected by the BIA and deposited in a tribal trust account for the future use of the Yurok Tribal Government. To accomplish this tribal requirement, it will be necessary to manage the transportation, sale and payment for fish as they proceed through the system.

To purchase the fish from this fishery, an established fish buyer will be selected by the BIA through a competitive bidding process. The successful bidder must establish one (1) buying station on or near the estuary portion of the Reservation in a general area designated by the BIA. All fish from the test fishery must be sold to the designated buyer at the designated buying station and delivered by boat to the station. NO PRIVATE OR OFF-RESERVATION SALES OF FISH OR FISH PRODUCTS FROM THIS FISHERY WILL BE PERMITTED.

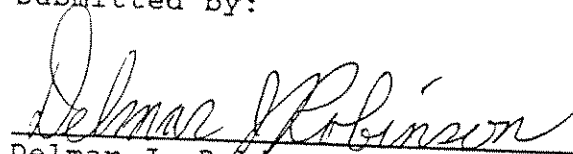
Fish to be sold will be presented at the buying station "troll dressed", that is, gutted and head on. One (1) price per pound will be paid for fish. Fish will not be graded large, medium or small, and the buyer will have the right to reject fish that do not meet quality control conditions such as freshness or seal bites. The buyer will be encouraged to make ice available at the buying station for use of Indian fishers.

At the buying station, each fisher will be given a copy from a four-part fish receipt/data ticket showing number fish sold, weight of fish sold, price per pound (computed with the tribal share deducted) and an extension of the amount due to fisher. Within one (1) week, the fishery must be paid by the fish buyer by check through the mail or by direct delivery of the check at some predetermined and mutually agreeable point. The BIA will also be provided with a copy of each fish ticket for its record-keeping requirements.

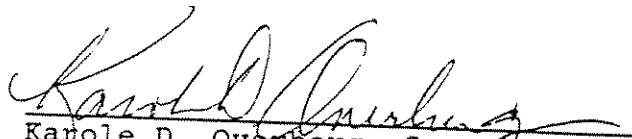
VII. OTHER

The Superintendent of the Northern California Agency may amend this plan to delete or add items that he/she may deem necessary for enforcement, safety, improved management or accountability of the entire process.

Submitted by:


Delmar J. Robinson, Fishery Biologist
Northern California Agency

Approved by:


Karole D. Overberg, Superintendent
Northern California Agency

Concur:

Pete Bontadelli, Director
California Department of Fish and Game

Figure 1.

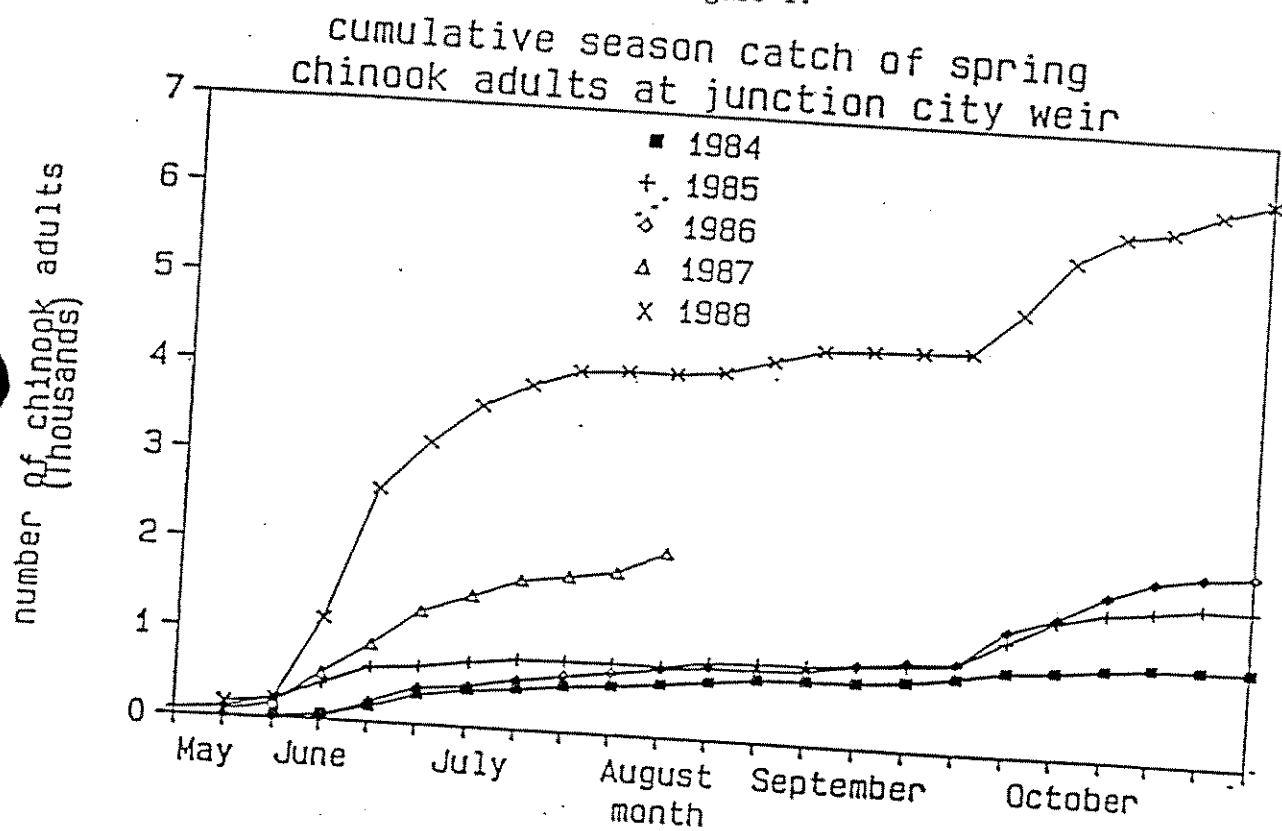


Figure 2.

KMZ troll effort in days fished, Spring
Chinook run size above J.C., 1981-1988

effort in days, numbers of adults
(thousands)

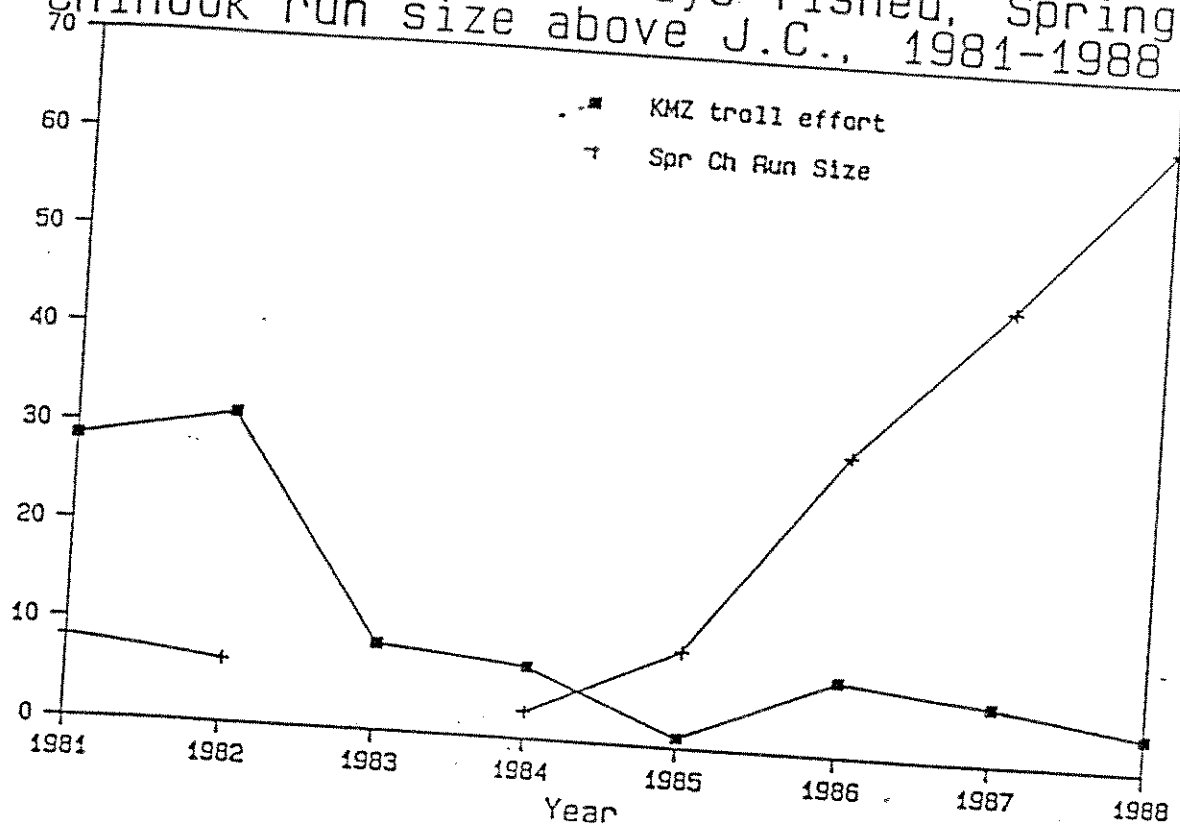


FIGURE 3

1989 Harvest Schedule for Spring Chinook in Klamath Basin

TRH Escapement needs 3000 adults assuming 1.1:1 ratio of males in females and 3,000 eggs per female. Recreational fishery above Junction City takes 14% of spring chinook run. Run Size above Junction City (JC) is 90% of the Klamath River basin Run size. Klamath escapement is assumed to be 2 percent of run size at Weitchpec. Lower Trinity Escapement is assumed to be 3 percent of run size at Willow Creek.

From 1982-1984 database

Run Size Klamath mouth	Yurok Harvest comm subs	Klamath escapement	Trinity run size	Hoopla Harvest comm subs	Indian Harvest
55617	10000 1407	884	43326	0 1519	12926
Lower Trinity escapement	Run Size above JC	Sport Harvest above JC	TRH escapement	Natural escapement	
1254	40552	5677	6975	27900	
Harvest rate Indian harvest	Harvest rate sport and net	Escapement rate natural and hatchery			
0.23	0.33	0.67			

ATTACHMENT 4

Nathaniel S. Bingham
President
David N. Danbom
Vice President
John Strosak
Secretary
William Matson
Treasurer

PACIFIC COAST FEDERATION
OF FISHERMEN'S ASSOCIATIONS
INCORPORATED

W.E. "Zuke" Grader, Jr.
Executive Director
J. William Yates
Counsel
Elizabeth M. Stewart
Administrative Coordinator
Michael Maas
Resources Biologist

FAX: (415) 331-CRAB

Reply to:

□ 3000 Bridgeway
P.O. Box 989
Sausalito, CA 94966
(415) 332-5080

□ 331 "F" Redwood Avenue
P.O. Box 2104
Fort Bragg, CA 95437
(707) 961-1869

□ 909 12th Street, Suite 110
P.O. Box 1896
Sacramento, CA 95809
(916) 448-5617

May 18, 1989

Mr. E. Charles Fullerton
Regional Director
National Marine Fisheries Service
300 S. Ferry Street, Room 2005
Terminal Island, CA 90731-7415

RE: Klamath Council Meeting

Dear Charlie;

I'm writing to request that the proposed sale of gillnet caught Klamath River Spring run chinook salmon be placed on the agenda for the next meeting of the Klamath Management Council.

PCFFA is concerned that this sale is taking place without any review or approval by the Klamath council.

I am also requesting that the meeting date be moved from June 7-8 to an earlier date to coincide with the Klamath Task Force Meeting on May 29th. Having to travel to two separate meetings is a costly burden for me. In addition the June 7-8 date coincides with the season opening off Fort Bragg.

If it is not possible to change the meeting date as requested, then I request that Mr. William Yates be designated as my alternate pursuant to our operating procedures.

Thank you for your consideration of my request.

Sincerely, Yours etc.



Nathaniel S. Bingham

FAX TRANSMITTAL MEMO
TO: Ron Iverson U.S.F.W.S.
DEPT: U.S. Fish Wildlife FAX #: 916-542-6953
FROM: PCFFA PHONE: 332-5050
CO: FAX #:
Post-it brand fax transmittal memo 7871

NO. OF PAGES
1

STATE OF CALIFORNIA--THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET

P.O. BOX 944209

SACRAMENTO, CALIFORNIA 95814-2090

(916) 445-3531



May 19, 1989

Mr. Karole Overberg
U. S. Bureau of Indian Affairs
Northern California Agency
P.O. Box 494879
Redding, CA 96049-4879

Dear Mr. Overberg:

We have completed review of your plan for a test fishery for spring chinook salmon in the lower Klamath River in 1989. Our comments on the proposed test fishery fall into two general categories. The first deals with resource issues, the second deals with policy and legal issues as regards the need to consult with various entities before allowing a commercial net fishery on Klamath River salmon.

As regards our comments concerning resource issues, we offer the following:

Magnitude of Fishery The proposal calls for a "target" catch of 10,000 spring chinook salmon in the estuary established as a guide without rigid quotas. However, the 1989 harvest schedule for spring chinook salmon (Figure 3) indicates a 5,000 fish commercial harvest by the Hoopas and a 2,926 basin-wide subsistence harvest, for a total harvest of 17,926. This is a substantial increase from recent years' subsistence spring chinook harvests of 2,234 (1985), 2,807 (1986), 5,968 (1987), and 5,737 (1988). The proposed harvest level goes well beyond what we consider prudent or necessary for a test fishery.

Harvest Control and Monitoring The proposed June 1 - July 15 fishery without a harvest quota is not acceptable, especially considering the proposed use of drift gillnets up to 200 feet long and 25 feet deep, and the reliance on spring chinook counts at the Junction City weir in July to measure biological impacts on the resource. The employment of drift nets will greatly increase the potential for over harvest and the use of July Junction City weir counts to measure biological impacts of a fishery that began in the estuary on June 1 will not give the level of control needed for a test fishery. It is stated that there will be a series of evaluation points as the fishery progresses. What are they and what criteria will be used to terminate the fishery?

Commercial Sales of All Sizes of Salmon The Department does not approve the sale of salmon less than the legal 26-inch size limit. The minimum commercial size for chinook in California is 26 inches. Furthermore, Section 2361 (Fish and Game Code) makes it unlawful to import into this State for commercial purposes any salmon of smaller size than can be legally taken under regulations of either the Pacific Fishery Management Council or the state of landing. Although these fish will not be "imported" in the strict sense of the word, our interpretation of the law is that there is no provision for the sale of sublegal salmon in California, except for domestically-reared salmon.

Mr. Karole Overberg

-2-

May 19, 1989

Biological and Economic Impacts Your assumptions about run sizes, harvest rates, and hatchery and natural escapements of the spring chinook stocks are very critical. They have not been adequately substantiated in the plan. Also, there is no mention of spring/summer steelhead run sizes and you do not address allowable harvest levels or harvest rates for these stocks.

In reference to impacts on steelhead, the plan states that... "monitoring levels of this fishery will be adequate to allow the gathering of information to address this concern in the future". What monitoring activities are planned for steelhead?

No mention was made of impacts on sturgeon and shad. What are your plans for assessing impacts on these stocks?

Because of the above stated concerns, we believe the following information is necessary before the impacts of the proposed spring chinook fishery can be adequately assessed:

1. Spring chinook run sizes in areas outside the Trinity River above Junction City.
2. Current harvest rates, in the ocean and the river, for Klamath basin spring chinook stocks.
3. An analysis of allowable harvest rates and escapement requirements for naturally-spawning spring chinook stocks and spring/summer steelhead stocks in the Klamath system.
4. An assessment of the impact of the proposed commercial fishery on the non-Indian sport fishery for spring chinook in the upper Trinity River, and on the non-Indian sport fishery in the lower Klamath River during June and July.

Although we are on record at recent meetings of the Klamath Fishery Management Council as supporting the concept of a commercial net fishery on surplus hatchery origin spring chinook, our concerns over the impacts such a fishery may have on weak natural runs of spring chinook and steelhead in the Klamath-Trinity system require we approach this test fishery very cautiously. We realize that the information listed as necessary to adequately assess the impacts of this fishery is not immediately available. Therefore, we propose the following which would address our concern about the resource issue:

- o Limit the combined commercial and subsistence harvest of spring chinook in the Klamath-Trinity Basin in 1989 to 10,000 salmon.
- o Commercial salmon minimum size limit of 26 inches.
- o Implement a program no later than federal FY 1990 to provide the information described in items 1-4.

Mr. Karole Overberg

-3-

May 19, 1989

- o Implement a program no later than federal FY 1990 to study the feasibility of targeting the fishery on hatchery-origin spring chinook. One such method would be to mark all hatchery-origin spring chinook and use non-lethal fishing methods.
- o Take steps to minimize the harvest of steelhead and other non-target species.

Our comments regarding policy and legal issues refer to our understanding of the intent of P.L. 99-552 regarding the need for consultation with the Klamath Fishery Management Council and other entities when developing harvest plans for Klamath and Trinity River basin anadromous fish populations. Furthermore, Fish and Game Code Section 16500 et seq. contemplates such a consultation process before the Department enters into mutual agreements to allow the commercial sale of Indian net caught salmon on the Klamath Trinity rivers.

We believe that failure to address these issues prior to initiating a commercial fishery on spring chinook even on a trial basis, is unwise. We therefore recommend that you bring this proposal before the Klamath Fishery Management Council for their review and comments.

Thank you for allowing us the opportunity to review your plan.

Sincerely,

A.E. Naylor
for Pete Bontadelli
Director

cc: Klamath Fishery Management Council
Mr. Richard Schwarz, Pacific Fishery
Management Council

ATTACHMENT 6

Susan Masten

Oral Presentation

KFMC, June 7, 1989

As you will recall, and as is acknowledged by PCFFA's letter of concern to the Bureau, the subject of the Indian's commercial harvest of Spring Chinook was addressed numerous times during this year's negotiations.

My stated position throughout the negotiations, was that the Yurok fishers would not consider trading a portion of their Fall Chinook allocation for an opportunity to harvest Spring Chinook.

I also stated, that if there were sufficient predicted returns of Spring Chinook to biologically justify a commercial fishery; that we would consider the harvest of those fish; not based on an in lieu trade, but based on our existing Indian Fishing Rights.

With that position stated, I spent considerable time with State and Federal Biologists confirming the fact that the predicted stock abundance of Spring Chinook would be sufficient to support a small, but economically viable, fishery.

In addition, I inquired into the process for initiating the fishery. I was informed by the State that, as with the fall Fishery, they would request review of the proposed harvest plan in order to coordinate enforcement policy and issues.

The proposed test fishery harvest management plan was prepared, using the best available biological data, and in accordance with NEPA standards as covered by the 1987 Enviromental Impact Statement on Indian Fishing Regulations. And, was submitted to the State, in a timely manner, for their review.

I was, needless to say, surprised at the vehement reaction of the PCFFA, and the following hesitancy on the part of the State, with regard to the proposed test fishery.

The plan, through consultation with the BIA's fish advisors, was developed as a conservative test with the utmost biological responsibility.

The 10,000 fish target was specified as a target because we do not know the efficiency of the set or drift nets during these flows in the estuary. We thought we may be able to harvest 10,000 fish. The immediate interpretation, by others, was that we planned to fish over 10,000 fish.

All of a sudden, there were major concerns expressed regarding the incidental impacts on other species, such as shad and steelhead; even though these concerns were covered in the plan. Unlike other fisheries, the Indian Harvest activities can be closely monitored on a daily basis, and closed within 24 hours should any adverse impacts be noted.

People seem to have lost sight of the fact that this proposed fishery is what it is called - a test fishery. The KFMC is charged with making recommendations to Tribes and other management agencies based on a "comprehensive long term plan and policy" for anadromous stocks. There is no plan and policy for Spring Chinook, and no plan or allocation will be possible until harvest capabilities of the in-river fishery are defined. This test fishery will give us much of the data we need. You cannot expect the Tribes to negotiate allocations for a run with unknown harvestability or value.

I was also equally surprised by the fact that PCFFA considered the Bureau as acting in violation of the law by not bringing this matter before the KFMC. This seems to exhibit an extreme case of dual standards, in light of the fact that Assemblyman Hauser's Bill, for the development of an Ocean Fishery off the mouth of the Klamath for Spring Chinook, was not offered to the KFMC for review, nor does it to date require the KFMC's participation.

This unnecessary political maneuvering has cost our fishery at least a week of possible prime harvest time and untold income. We would like to get on with the fishery, so as not to waste this valuable resource.

I am sure that you've all had an opportunity to review the plan by now. The advisors and the Bureau have incorporated some changes to meet legitimate concerns. We feel that it is a biologically sound plan and we are excited about the possibility of a new fishery which may enhance the economic base of our people and the local counties.

We will appreciate your support on this issue. Thank you.

June 1, 1989
LJB

Klamath Estuary Spring Run Fishery

General

Oregon Trollers are supportive ^{in concept} of a Tribal Fishery to access Spring Run Stocks. ~~in concept~~
It is a desirable fishery that may substantially improve the economic situation for tribal fisheries, without constraining ocean fisheries, and in fact may substantially improve the flexibility ~~of~~ ^{OF} allocation needs for Klamath Fall Chinook stocks.

However, Oregon Trollers also have concerns on how this fishery is conducted, both procedurally and technically. These concerns need to be addressed before the fishery proceeds.

1st The fishery ^{is} an important part of the overall harvest picture for Klamath Stocks, and needs to be reviewed, both procedurally and technically, by the Klamath Council and KTT. Though the ~~the~~ regulatory authority for conduct of the fishery may be delegated to agencies or tribal authorities, the magnitude and manner of harvest needs to be considered by the Klamath Council in context with all fisheries affecting Klamath stocks.

2nd The magnitude of harvest needs to be limited at least initially until sufficient data is available.

to adequately predict the performance and effects of the fishery.

3rd The fishery needs adequate sampling to determine both the magnitude and composition of the ~~harvest~~ harvest. Initially, efforts should be made to sample 50% or more of the harvest, consistent with sampling rates for special area troll fisheries.

4th The times and areas opened for Spring Run Harvest need to be specified and ^{adequately} monitored.

~~Interaction or conflict with other~~

~~Any~~ Any potential conflict with other fisheries needs to be minimized.

June 8, 1989

PUBLIC INPUT FOR THE KLAMATH FISHERY MANAGEMENT COUNCIL

Council Members:

The local ocean salmon trollers are suffering the brunt of the recent salmon management measures. I wish I could come to you and thank you for all the equitable treatment you have heaped upon the trollers but that simply is not the case. My husband has worked long, hard hours for the last 13 years as a salmon fisherman. A 16 hour day is not out of the ordinary for him during the salmon season. He is not looking for a handout-- just an equitable allocation of the resource. He has not received any favorable treatment as one of three user groups in the Klamath Management Zone. Every year the local season gets more and more dismal. He must go farther and farther from home and last summer he spent only 2 days of a 4 month season fishing from his home port. Twenty fish a day for a 3 to 4 day season is nowhere near subsistence fishing for local trollers; they must still go far from home for the balance of the season to clothe and feed a family they rarely see during the salmon season.

The Zone's resources are being re-allocated rather than restored and the commercial fishermen are the biggest losers this summer. The KFMC, as an advisory body, failed to offer a viable salmon season recommendation to the PFMC this year but that same council, just yesterday, approved a new commercial in-river fishery in the Klamath Zone. This in-river fishery should have been negotiated when the rest of the Klamath Zone's resources were allocated before the PFMC. It appears that the new in-river commercial fishery was approved in a less than equitable and up-front manner.

I hope that in the future you take into account the fact that local commercial trollers depend on the Klamath Zone resources for their families' support.

I should also hope that future public hearings are held when the bulk of one of the three major user groups affected by your decisions is able to attend the hearing, not when they are far from their home port or scratching up the last of a 20-fish-a-day, 4-day season.

Thank you for your attention.

Wendy Page
2650 Pigeon Point Rd.
Eureka, CA 95501



PACIFIC COAST GUIDE ASSOCIATION

P. O. Box 1532 Crescent City, CA 95531

TO;

Klamath Fishery Management Council

To the Council,

The Pacific Coast Guides Ass. Would like to voice our concerns for the proposed spring commercial gill-net fishery on the lower Klamath River. We feel it is prudent to follow the recommendations of DFG. and that more study of the effects this fishery will have on the summer steelhead and wild spring salmon that will also be killed during the harvest of excess hatchery spring salmon. We support DFG. in the idea of a non-lethal method for Indian Fisheries. This could be done by seine net for example without the indiscriminate killing of steelhead, sturgeon and shad.

We also feel the plan to harvest these fish in the estuary without means for an accurate count until the fish pass the Junction City Weir leaves the chance to greatly damage a rebuilding fishery. Our concerns that the sport fishery not be overlooked in your decision leave us to point out that the revenue generated by this rebuilding stock of spring salmon is enabling resorts and guides to promote the spring salmon fishing and fill the gap in area income for fishing related businesses.

Thank-you for your time

Tracy Puget
Tracy Puget,
President P.C.G.A.

signed by the secretary
George Burdick

George Burdick

ATTACHMENT 10

Table 1. Ocean commercial chinook salmon catches through May 28, 1989 and a comparison to May 1988 and the 1981-1987 average

Area	1989	1988	1981-87 ave.
Monterey	7100	77600	43300
San Francisco	25000	218300	64400
Fort Bragg	6700	89800	29000
Coos Bay 2/	46600	42900	9100
Newport 2/	8100	8500	7200
	93500	437100	153000

1/ Based on dealer tickets in the Monterey and San Francisco port areas, which are known to be incomplete.

2/ Through May 21, 1989

Table 2. Ocean recreational chinook salmon catches through May 28, 1989 and a comparison to May 1988

Area	1989	1988
Monterey	18200	9500
San Francisco	43900	55700
Fort Bragg	<50	1100
Eureka	1800	500
Crescent City	200	1000
Brookings	400	100
Coos Bay 1/	50	200
Newport 1/	<50	100
	64650	68200

1/ Through May 21, 1989

Table 3. Yurok Indian Reservation Subsistence Harvest estimates through May 27, 1989

Spring Chinook	Steelhead	Green Sturgeon	White Sturgeon
3667	65	222	9

Notes on discussion of harvest management planning,
7 June 1989, by KFMC "rump session":

Chief product of this session was a suggested
procedure for ^{an} annual harvest management process:

<u>Steps toward 1990 harvest mgmt</u>	<u>Time period</u>
(1) Assign Tech Team to update technical information and predictive model - For all stocks of interest - not just fall chinook	Summer 1989
(2) KFMC hold a <u>closed</u> session (two-day "retreat") to identify harvest allocations they find acceptable for a range of ¹⁹⁹⁰ stock abundances ^{to} make recommendations	Early Fall 89
(3) Take results of that discussion back to constituent groups and the public for their comments	Fall 89
(4) KFMC meet to refine the harvest allocation plan, based on stock abundance predictions provided by Tech Team	Jan/Feb 1990

over

Other comments:

Master: Our negotiations have been hurt by lack of knowledge of the other party's needs and problems. How about a series of workshops for purposes of education. See suggested Indian fishing rights as one topic.

Group comment on this: good idea.

Hayden: How about planning harvest allocation on stock-by-stock basis, identifying amount and timing of harvest desired from each stock, then identifying possible impacts on other stocks (example: incidental take of steelhead by ^{early} summer net fishing), then negotiating to minimize those.

Comment: Hard to do on account of lack of information about most stocks.

Fullerton: I offer help of my regional planner in the planning process.

Other comments:

- Harvest plan should provide for minimum needs of user groups.

- Don't forget we have a long-term plan - the 5-year agreement - that is still in effect.

June 9, 1989

SAB

KTTConsensus Recommendations

① We recommend the Klamath Council ask the Pacific Council and STT to re-evaluate the actual effect of the block closures, should the landings continue in the same trend as May. This evaluation should consider whether the full 2 week closure scheduled for the end of July is necessary, and whether any additional fishing opportunity for the km2 can be allowed for July or August, in order to achieve the .375 ocean share goal for 1989.

② The team unanimously agrees on the possible reasons for the low May Landings, however is not able at this time to determine which of the factors is prevalent.

③ ~~The KTT~~ For 1989 the season process and evaluation of progress is in the hands of the STT. In the future, with a consensus recommendation from the Klamath Council for a process agreed to pre-season for such changes, a red-green line approach, the KTT would be able to make recommendations on appropriate triggers and actions.

KLAMATH RIVER FALL CHINOOK
HARVEST AND ESCAPEMENT

	<u>Total Ocean Catch</u>	<u>KMZ Sport Catch</u>	<u>Inriver Sport Catch</u>	<u>Indian Net Catch</u>	<u>Spawning Escapement</u>
1986	336,227	6,291	21,027	25,127	146,251
1987	325,204	11,124	20,169	53,093	130,840
1988	206,096	8,411	15,805	51,651	113,644
Average	289,176	8,609	19,000	43,290	130,245

ATTACHMENT 13

For
10/1/88
85000